

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL WOOD, :
Plaintiff, : Case No. 3:22-cv-351
v. : JUDGE WALTER H. RICE
ANTHONY REYNOLDS, et al., :
Defendants. :

DECISION AND ENTRY OVERRULING PLAINTIFF MICHAEL WOOD'S
MOTION TO STRIKE SUMMARY JUDGMENT MOTIONS FILED BY
DEFENDANTS ANTHONY REYNOLDS, RUSSELL GARMAN, AND
ZACH STORTS (DOC. #62); DIRECTING PLAINTIFF TO RESPOND OR
REPLY TO PENDING MOTIONS

Plaintiff Anthony Reynolds ("Plaintiff") has filed a motion seeking to strike two separate Motions for Summary Judgment. Doc. #62. He bases this request on Fed. R. Civ. P. 56(b), which states: "[u]nless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the close of all discovery."

This Court previously issued a Preliminary Pretrial Conference Order, which created a deadline of July 3, 2025, for the filing of any motions for summary judgment. Doc. #47. This Court-imposed deadline is controlling. Therefore,

Defendants' Motions for Summary Judgments, Docs. #60 & 61, are timely, and Plaintiff's Motion to Strike is OVERRULED.

The Court has some concern over whether Plaintiff has been properly receiving notice of filings. With the disposition of Plaintiff's Motion to Strike, there are three remaining pending motions in this case: (1) Plaintiff's Motion for Summary Judgment, Doc. #48; (2) a Motion for Summary Judgment filed by Defendants Anthony Reynolds and Russell Garman, Doc. #60; and (3) a Motion for Summary Judgment filed by Defendant Zach Stortz, Doc. #61.

Defendant Stortz filed a Response in Opposition to Plaintiff's Motion for Summary Judgment on March 4, 2025. Doc. #53. Plaintiff recognized that he received this response in a filing on March 18, 2025, Doc. #57, but did not file a reply in support of his own motion. Under the local rules, “[a]ny reply memorandum shall be filed within fourteen days after the date of service of the memorandum in opposition.” S.D. Ohio Civ. R. 7.2(a)(2). Plaintiff has therefore forfeited his right to file a reply pursuant to Defendant Stortz's response.

Defendants Reynolds and Garman filed their Response to Plaintiff's Motion for Summary Judgment on April 1, 2025. Doc. #60. This Response was combined in the same document with their own Motion for Summary Judgment. *Id.* Plaintiff claims this filing was never delivered to him. Doc. #62 (“Additionally, Defendants STORTS claims that Defendants Reynolds and Garman have filed a motion for

summary judgement which I have not been in receipt of service [sic]."). Out of an abundance of caution, this Court is directing his chambers to send Defendant Reynolds's and Defendant Garman's joint filing via U.S. Mail to Plaintiff. Plaintiff shall then have 21 days to file a reply in support of his own motion and/or a response in opposition to the Motion for Summary Judgment filed by Defendant Reynolds and Defendant Garman.

In filing his Motion to Strike, Plaintiff has confirmed his receipt of Defendant Stortz's Motion for Summary Judgment. Plaintiff also will be given 21 days to file a response to this motion. Should Plaintiff fail to file any response or reply he is permitted to, the Court will deem the filing waved and will decide the respective motion without further input from Plaintiff.

Date: May 19, 2025

Walter H. Rice

WALTER H. RICE
UNITED STATES DISTRICT JUDGE